

AMENDED IN ASSEMBLY JUNE 29, 2006

AMENDED IN ASSEMBLY JUNE 8, 2006

AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE APRIL 12, 2005

SENATE BILL

No. 368

Introduced by Senator Escutia

***(Coauthors: Senators Alarcon, Cedillo, Ducheny, Figueroa, and
Romero)***

***(Coauthors: Assembly Members Baca, Calderon, Chan, Chavez, Coto,
De La Torre, Dymally, and Nunez)***

February 17, 2005

An act to add Sections 315.5, 316.5, and 317 to the Education Code, relating to English language education.

LEGISLATIVE COUNSEL'S DIGEST

SB 368, as amended, Escutia. English language tutoring.

Proposition 227, an initiative statute approved by the voters at the June 2, 1998, statewide primary election, requires the state to encourage family members and others to provide personal English language tutoring to children coming from backgrounds of limited English proficiency.

This bill would require each school district, as a condition for receiving funding under the bill, to develop a plan, to be approved by the school district governing board, certifying that the agency will do certain things relating to providing personal English language tutoring to children coming from backgrounds of limited English proficiency.

The bill would require the State Department of Education *to contract with an independent consultant* to evaluate specified

performance accountability measures to ascertain the effectiveness of the program services established pursuant to the initiative and the bill. The bill would require each school district that receives funding under the bill, by September 1, 2008, and each September 1, thereafter, to prepare and submit a report to the department on its achievements in accordance with the specified performance accountability measures. The bill would require the department to prepare a final report on its findings with regard to the performance accountability measures and submit the report to the Legislature and the Governor by June 30, 2012.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 315.5 is added to the Education Code,
2 to read:
3 315.5. (a) In furtherance of its constitutional and legal
4 requirement to offer special language assistance to children
5 coming from backgrounds of limited English proficiency, the
6 state shall encourage family members and others to provide
7 personal English language tutoring to those children, and support
8 these efforts by raising the general level of English language
9 knowledge in the community.
10 (b) Programs funded under this section shall be provided
11 ~~through schools or community organizations. Funding for these~~
12 ~~programs shall be administered by the Superintendent, and shall~~
13 ~~be disbursed at the discretion of the local school boards, under~~
14 ~~reasonable guidelines established by, and subject to the review~~
15 ~~of, the state board. through schools or community organizations.~~
16 (c) Funding for programs authorized under this section shall
17 be provided pursuant to an appropriation in the annual Budget
18 Act. Funds shall be apportioned to the Superintendent for
19 disbursement to school districts for the purpose of providing
20 funding under this section for free or subsidized programs of
21 adult English language instruction to parents or other members of
22 the community who pledge to provide personal English language
23 tutoring to California school children with limited English
24 proficiency.

SEC. 2. Section 316.5 is added to the Education Code, to read:

316.5. (a) The Legislature finds and declares all of the following:

(1) The more a parent or guardian is involved in the education of his or her child the better the child will perform in school.

(2) English language proficiency is critical to academic success.

(b) The Community-Based English Tutoring (CBET) Program shall provide funding for free or subsidized programs of adult English language instruction to parents who provide and document English language tutoring intended to improve the English proficiency of California K–12 pupils identified as English language learners.

(c) In order to ensure that adult students in the CBET Program provide the best possible tutoring to K–12 English language learners, the CBET Program shall meet the following objectives:

(1) The adult students participating in the CBET Program shall make measurable English language learning progress.

(2) The CBET Program shall be administered in accordance with research-based strategies for teaching English language learners.

~~(3) The data developed through the CBET Program~~ *collected under Section 317 shall be used by CBET administrators and staff* to inform curriculum, instruction, assessment, research, and in-service staff development.

(d) For purposes of this section, the term “parent” includes a parent, legal guardian, primary caregiver, or an individual in loco parentis.

(e) As a condition for receiving funding under Section 315.5 for the 2007–08 fiscal year, each school district shall develop a plan, to be approved by the governing board of the school district, certifying that it will do all of the following:

(1) Emphasize English language acquisition and tutoring skills for parents whose primary language is not English.

~~(2) Whenever possible, agencies are encouraged to operate~~ CBET programs at neighborhood schoolsites in order to provide full articulation between CBET programs and instructional programs for school-aged English language learners.

(3) Describe in its plan how the program will encourage the following:

(A) Opportunities for parent-child tutoring activities.

(B) Opportunities for the parent to become involved at the school that his or her child attends.

(4) Describe how the program will document the following:

(A) Literacy training for adults that leads to English fluency and the ability to provide educational support for children.

(B) Development of tutoring skills.

(C) Utilization of appropriate curriculum.

(5) Describe the projected goals of the program with respect to participant educational achievement and the manner in which the agency will measure and report progress in meeting its goals.

(6) Leverage available funding from federal, state, and local sources in the area proposed to be served by the agency.

(7) Include a program to recruit parents of K–12 English language learners, especially parents of pupils enrolled in K–12 schools that are eligible to participate in the High Priority Schools Grant Program established under Article 3.5 (commencing with Section 52055.600) of Chapter 6.1 of Part 28.

SEC. 3. Section 317 is added to the Education Code, to read:

317. (a) The department shall contract with an independent consultant to evaluate the following performance accountability measures to ascertain the effectiveness of the program services established pursuant to Sections 315, 315.5, and 316.5:

(1) Improvement in adult English-as-a-second-language literacy skill levels in reading, writing, and speaking the English language, numeracy, problem solving, and other literacy skills.

(2) Improvements in the attendance of pupils with limited-English-language proficiency who have received tutoring from adults who have been identified as participants in programs established pursuant to Sections 315, 315.5, 316, and 316.5.

(b) To assist the department in evaluating the program, a school district that receives funding under Section 315.5 shall provide a pretest and a posttest of reading or life skills achievement for adult English-as-a-second-language pupils.

(c) The evaluation shall include a review of individual K–12 pupil data from the English language development test administered under Section 60810 and the Standardized Testing and Reporting (STAR) Program set forth in Article 4

1 (commencing with Section 60640) of Chapter 5 of Part 33, in
2 order to determine whether there have been achievement
3 progress made by K–12 pupils who were tutored by
4 Community-Based English Tutoring (CBET) Program students.

5 (d) The evaluation pursuant to this section shall be funded
6 through the appropriation made in Section 315.5.

7 (e) Each school district that receives funding under Section
8 315.5 shall do all of the following:

9 (1) By September 1, 2008, and each September 1 thereafter,
10 prepare and submit to the department a report on the
11 achievements of the agency in accordance with the performance
12 accountability measures specified in subdivision (a).

13 (2) Begin collecting data in accordance with the performance
14 accountability measures specified in subdivision (a) at the
15 beginning of the ~~2007–2008~~ 2007–08 school year.

16 (f) The state board shall develop and disseminate a standard
17 form to be used by school districts to collect data in accordance
18 with the performance accountability measures specified in
19 subdivision (a).

20 (g) By June 30, 2012, the department shall prepare a final
21 report on its findings pursuant to subdivision (a) and submit it to
22 the Legislature and the Governor.

23 (h) The department shall consult with school districts, adult
24 education administrators, and English language learner
25 coordinators in the implementation of this section.